

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

<b>WALTER E. BENNETT JR.,</b>	)	<b>CASE NO. 8:07CV345</b>
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>MEMORANDUM</b>
	)	<b>AND ORDER</b>
<b>GUARDIAN REAL ESTATE, L.L.C.,</b>	)	
<b>EVOLUTIONS DEVELOPMENT,</b>	)	
<b>L.L.C., and ROGER HALE,</b>	)	
	)	
<b>Defendants.</b>	)	

This matter is before the Court on its own motion. On December 6, 2007, the Court permitted Plaintiff's claims to proceed and ordered that service be completed no later than April 7, 2008. (Filing No. 10.) Plaintiff did not return the summons or USM-285 forms to the court and service of process has not occurred. Plaintiff has taken no action to effect service of process on Defendants. This case will therefore be dismissed without prejudice for failure to prosecute diligently and for failure to comply with the court's orders.

IT IS THEREFORE ORDERED that:

1. This matter is dismissed without prejudice because Plaintiff failed to prosecute this matter diligently and failed to comply with this court's orders;  
  
and
2. A separate judgment will be entered in accordance with this Memorandum and Order.

DATED this 18<sup>th</sup> day of April, 2008.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge